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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LEONARD SMITH,

Plaintiff,

v.

NEW ENGLAND MOTOR FREIGHT, INC.,

Defendant,

Hon. William J. Martini

Hon. Mark Falk

Civil Action No. 2:12-CV-03559-WJM-MF

TO ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that Plaintiff Leonard Smith and Defendant New England Motor Freight, Inc. (collectively, the “Parties”), through undersigned counsel, shall move before the Honorable Mark Falk, U.S.M.J., at the United States District Court for the District of New Jersey, 50 Walnut Street, Newark, New Jersey, on December 2, 2013, or as soon thereafter as the matter may be heard, for the entry of an Order granting the

Parties' joint motion for preliminary approval of proposed class settlement, certification of a class for the purposes of settlement, and approval of the form and manner of notice.

PLEASE TAKE FURTHER NOTICE that in support of this motion, the Parties will rely upon the accompanying Memorandum of Law in support thereof, any additional submissions made hereafter, all of the pleadings and other documents on file in this action, all of the matters of which the Court may or must take judicial notice, and such argument as the Court may entertain.

Dated: October 30, 2013

Respectfully Submitted,

STUMPHAUZER | O'TOOLE

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